

Thomas Jefferson to John Adams, November 14, 1791, with Report on Petition of John Mangnall; Partial Transcription Available, from the Works of Thomas Jefferson in Twelve Volumes. Federal Edition. Collected and Edited by Paul Leicester Ford.

REPORT ON MANGNALL D. S. MS.

[Nov. 10, 1791.]

The Secretary of State, to whom was referred by the Senate of the United States, the petition of John Mangnall, has had the same under consideration, and thereupon makes the following Report.

He finds that Congress, on the application of the Petitioner, resolved on the 27th day of Sep. 1780. that the profit of the capture of the *Doser* cutter should be divided among the captors, & that the honble Mr. Jay, their Minister Plenipotentiary at the court of Madrid should be instructed to endeavor to obtain for the sd captors the benefit by their resolve of Octob. 14. 1777.

That such instructions were accordingly sent by the Committee for foreign Affairs to Mr. Jay, who continued, during his residence there, to press the settlement of this claim, under very varying prospects as to the result.

That after he came to the direction of the office for foreign Affairs, he continued to press the same subject through our Chargé des Affaires at Madrid; and it has been since resumed & urged in the strongest terms by the Secretary of State.

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That as yet no information is received of what has been done, or is likely to be done.

That the circumstances of the country where this business has been transacted, have rendered the transmission & receipt of letters at all times difficult & precarious, & latterly in a remarkable degree.

But still that there will be no remission of endeavors to obtain justice for the Petitioner & his Associates.

As to so much of the petition as prays that a pension may be allowed him until the adjustment of his claim, it will rest with the wisdom of the Senate to decide on it's reasonableness. The precedent will indeed be new, & may bring on other applications in similar cases to which the irregular conduct of officers military & civil, have given rise, & will perpetually give rise. But if they shall perceive that the measure is right, the consequence that it will lead to repetitions in other cases equally right ought to be met.¹

¹ This whole paragraph struck out in original.

As to so much of the said petition as prays that the petitioner may be allowed a pension from the Public until his claim shall be decided at the Court

of Madrid, the Secretary of State observes, that in times of war questions are continually arising on the legitimacy of capture, on acts of piracy, on acts of violence at sea, and in times of peace on seizures for contraband, regular & irregular, which draw on discussions with foreign nations, always of long continuance, and often of results in which expedience rather than justice renders acquiescence adviseable; that some such cases are now depending between the Governments of the United States and of other countries; that a great number of Applications might be made for pensions on the same ground with the present, both now and hereafter; that it is not known that the claims are just 'till they are heard and decided on, and even when decided to be just, the Government from which it is

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due is alone responsible for the money: and He is therefore of opinion that such a pension ought not to be granted.